

Matthew R. Bainer, SBN 220972  
**THE BAINER LAW FIRM**  
1901 Harrison St., Suite 1100  
Oakland, California 94612  
Telephone: 510.922.1802  
Facsimile: 510.844.7701

*Attorneys for Plaintiff JOSHUA GARCIA*

Margaret Rosenthal, SBN 147501  
Shareef S. Farag, SBN 251650  
Nicholas D. Popper, SBN 293900  
**BAKER & HOSTETLER LLP**  
11601 Wilshire Boulevard, Suite 1400  
Los Angeles, CA 90025-0509  
Telephone: 310.820.8800  
Facsimile: 310.820.8859  
Email: mrosenthal@bakerlaw.com  
sfarag@bakerlaw.com  
npopper@bakerlaw.com

*Attorneys for HOST INTERNATIONAL, INC.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOSHUA GARCIA, individually, and on behalf of other members of the general public similarly situated, and as aggrieved employees pursuant to the Private Attorneys General Act (“PAGA”),

Plaintiff,

V.

HMS HOST, USA, INC., a Delaware Corporation; and DOES 1 through 100, inclusive.

## Defendants

Case No.: 3:17-cv-03069-RS

[Hon. Richard Seeborg, Crtm. 3]

**STIPULATION AND [REDACTED]  
ORDER TO CONTINUE CLASS  
CERTIFICATION BRIEFING SCHEDULE**

Action Removed: May 26, 2017  
Action Filed: April 25, 2017  
FAC Filed: January 29, 2018

1 Pursuant to Civil L.R. 6-1 and 6-2, Joshua Garcia (“Plaintiff”) and Host International, Inc.  
2 (“Defendant”) (collectively “Parties”), through their respective counsel of record, and subject to  
3 the approval of the Court, hereby stipulate to continue the current briefing schedule for class  
4 certification based on the following good cause:

5 On September 28, 2017, the Court issued a Case Management Scheduling Order, which  
6 set the hearing on Plaintiff’s motion for class certification for August 23, 2018 and ordered that  
7 Plaintiff shall file his motion for class certification on or before May 30, 2018, Defendant shall  
8 file its opposition on or before July 16, 2018, and Plaintiff shall file his reply on or before August  
9 6, 2018 [Dkt. 20];

10 Since then, three other plaintiffs have filed class action complaints against Defendant,  
11 seeking to assert substantially similar claims to the claims in this action. The cases are: *Kelly*  
12 *Smith v. Host International, Inc.*, Eastern District of California Case No. 1:17-cv-01487-DAD-  
13 MJS; *Jennifer Wilson v. Host International, Inc., HMS Host USA, Inc., and HMS Host Family*  
14 *Restaurants, Inc.*, Central District of California Case No. 2:18-cv-00916-RS; and *Sera Garcia v.*  
15 *Host International, Inc. and HMS Host USA, Inc.*, Southern District of California Case No. 3:18-  
16 cv-00173-CPC (BLM);

17 In each of the other three actions, Defendant has filed a motion to dismiss, stay, or  
18 alternatively, transfer the action to the Northern District to be consolidated with this action;

19 The Parties in this action have agreed to have participate in private mediation on March  
20 15, 2018, with respected wage and hour mediator David Rotman;

21 The Parties informally agreed to postpone further written discovery and depositions to  
22 focus their time and resources towards resolving this matter at mediation;

23 The requested continuance is made in good faith and will not cause undue prejudice. The  
24 Parties have been diligently engaged in formal and informal discovery. The Parties believe that  
25 the requested continuance will allow the Parties to focus their time and efforts on resolving this  
26 case at mediation or through post-mediation settlement discussions. Further, the requested  
27 continuance will allow the parties more time to resolve the issues relating to the other three  
28 actions.

Other than the above class certification briefing schedule, the stipulated continuance will not alter the date of any other event or deadline already fixed by the Court;

NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, through their respective counsel, that the class certification briefing scheduling set forth in the Court's Case Management Scheduling Order dated September 28, 2017 be continued as follows:

Plaintiff's motion for class certification	July 26, 2018
Defendant's opposition to class certification	September 10, 2018
Plaintiff's reply brief re: class certification	October 1, 2018
Hearing on class certification	October 18, 2018

Dated: March 7, 2018

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/ Shareef Farag  
Margaret Rosenthal  
Shareef Farag  
Nicholas D. Popper

*Attorneys for*  
HOST INTERNATIONAL, INC.

Dated: March 7, 2018

## THE BAINER LAW FIRM

By: /s/ Matthew R. Bainer  
Matthew R. Bainer

*Attorneys for Plaintiff*  
**JOSHUA GARCIA**

I, Matthew R. Bainer, attest that all other signatures listed, and on whose behalf the filing is submitted, concur in the filing's contents and have authorized the filing.

## **[PROPOSED] ORDER**

Pursuant to the Stipulation of Plaintiff Joshua Garcia and Defendant Host International, Inc. filed on March 7, 2018, and GOOD CAUSE APPEARING THEREFORE, it is hereby ordered:

Plaintiff's deadline to file his motion for class certification is continued from May 30, 2018 to July 26, 2018;

10 Plaintiff's reply, if any, to defendant's opposition is continued from August 6, 2018 to  
11 October 1, 2018.

## IT IS SO ORDERED.

6 DATED: 3/9/18

  
Richard Schreyer

Hon. Richard Seeborg  
United States District Judge